

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ERNEST PORTER,	)	
	)	
Plaintiff,	)	Civil Action No. 09-549
	)	Judge Ambrose
v.	)	Magistrate Judge Bissoon
	)	
JEFFREY A. BEARD, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

Ernest Porter's complaint pursuant to 42 U.S.C. §1983 was submitted to the Court on May 6, 2009, and was referred to United States Magistrate Judge Cathy Bissoon for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on May 12, 2010, recommended that Defendants' Partial Motion to Dismiss (Doc. 33) be granted in part and denied in part, leaving only the claims against Defendant Dennison arising under the First Amendment and for retaliation. Plaintiff timely filed objections on June 11, 2010 (Doc. 56) which raise arguments already dealt with in the Report and Recommendation.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following order is entered:

AND NOW, this 21<sup>st</sup> day of June, 2010,

IT IS HEREBY ORDERED that Defendants' Partial Motion to Dismiss (Doc. 33) is GRANTED IN PART AND DENIED IN PART as set forth more fully in the Report and Recommendation. All Defendants except for Defendant Dennison are dismissed from this case.

The Report and Recommendation of Magistrate Judge Bissoon (Doc. 51), dated May 12, 2010, is adopted as the opinion of the court.

s/Donetta W. Ambrose  
Donetta W. Ambrose  
United States District Court Judge

cc:  
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